

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ROBERT HOWARD, individually and as)
Administrator of the ESTATE OF)
CHRISTOPHER HOWARD,)

Plaintiff,)

v.)

CIVIL ACTION FILE NO. _____

R.L. "BUTCH" CONWAY; GWINNETT)
COUNTY; CORRECT CARE)
SOLUTIONS LLC; CORRECT CARE)
SOLUTIONS GROUP HOLDINGS, LLC)
D/B/A WELLPATH; FRANK WOODS;)
DOMINIQUE DENNIS; GREGORY)
ROSS; AARON DEVRIES; AMBER)
ASHLEY THURMAN; ADAM GREEN;)
PHILIP HARTMAN; ILENE NICHOLS;)
THOMAS HAYES; MARTIN)
CAMPBELL; DARIUS WILLIAMS;)
JUAN LOPEZ-RAZO; JAMES)
THORNTON; JAMES CASEY;)
CATHERINE DILLON; MYRIAM)
EDOUARD; ESTELLA BARCLAY;)
AND DOES 1-10,)

Defendants.)

NOTICE OF AND PETITION FOR REMOVAL

COME NOW Defendants Conway, Gwinnett County, Woods, Dennis, Ross,
DeVries, Thurman, Green, Hartman, Nichols, Hayes, Campbell, Williams,

Removal, showing the Court as follows:

1.

On January 4, 2019, Plaintiff filed his Complaint in the State Court of Cobb County, Civil Action File No. 19-A-41. On January 24, 2019, Plaintiff filed his First Amended Complaint in the State Court of Cobb County, Civil Action File No. 19-A-41. True and correct copies of all process, pleadings, and orders served upon these Defendants in said action are attached hereto as Exhibit A.

2.

Plaintiff's Amended Complaint seeks recovery of damages from these Defendants for alleged violations of the Fourth and Fourteenth Amendments Retaliation and for violations of federal law.

3.

This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1331, as Plaintiff has asserted a claim against these Defendants arising under the Constitution and laws of the United States.

4.

This case is subject to removal pursuant to provisions of 28 U.S.C. § 1441 (b).

5.

Venue is proper in this Court pursuant to 28 U.S.C. § 1441 (a).

6.

This Petition is filed within thirty (30) days after receipt by these Defendants, through service or otherwise, of Plaintiff's Complaint, setting forth the federal claim for relief upon which said action is based.

7.

This action is removable to this Court pursuant to the provisions of 28 U.S.C. § 1441 (a)-(b) and § 1446 *et seq.*

8.

Counsel for the remaining Defendants has consented to this removal as set forth in Exhibit B.

Wherefore, these Defendants pray that their Petition be filed, that the entire action referred to hereinabove be removed to and proceed in the United States District Court for the Northern District of Georgia, Atlanta Division, that no further proceedings be held in the case originally filed in the State Court of Cobb County, Georgia, and that these Defendants have such other and further relief as this Court deems just and proper in these circumstances.

Respectfully submitted this 30th day of January, 2019.

CAROTHERS & MITCHELL, LLC

/s/ Angela C. Couch

Richard A. Carothers

Georgia Bar No. 111075

Thomas M. Mitchell

Georgia Bar No. 513597

Angela C. Couch

Georgia Bar No. 190005

Attorneys for Defendants Conway, Gwinnett
County, Woods, Dennis, Ross, DeVries,
Thurman, Green, Hartman, Nichols, Hayes,
Campbell, Williams, Lopez-Razo, Thornton,
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CERTIFICATE OF SERVICE AND COMPLIANCE WITH L.R.5.1B

I HEREBY CERTIFY that I have this date electronically filed the foregoing **NOTICE OF AND PETITION FOR REMOVAL** with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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I further certify pursuant to L.R. 7.1D that the above-titled document complies with L.R. 5.1B and was prepared using a 14-point Time New Roman font.

This 30th day of January, 2019.

CAROTHERS & MITCHELL, LLC

/s/ Angela C. Couch

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Thomas M. Mitchell

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